REMARKS

With the entry of this Response, Claims 41-81 are pending.

RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

The Office Action imposed a Restriction Requirement that restricted the claims into five (5) groups.

Group I (Claims 41-63) – drawn to a method of treatment or prophylaxis of a condition associated with elevated levels of non-amidated gastrin comprising administering a compound with the ability to inhibit the binding of ferric ions to glycine-extended gastrin$_{17}$, progastrin or progastrin-derived peptides without inhibiting the activity of amidated gastrins.

Group II (Claims 64-68 and 72) – drawn to a peptide fragment of non-amidated gastrin that is capable of binding one or more ferric ions.

Group III (Claims 69-71 and 79) – drawn to a complex comprising a non-amidated gastrin or a fragment thereof or SEQ ID NO: 16 and a trivalent metal ion.

Group IV (Claims 73-74 and 80-81) – drawn to a method of promoting intestinal function comprising administering to a peptide fragment of non-amidated gastrin that is capable of binding one or more ferric ions.

Group V (Claim 75-78) – drawn to a method of screening of candidate metal ion-binding compounds for the ability to modulate the activity of non-amidated gastrins.

As required by the Office Action, Applicants elect Group I (Claims 41-63) with traverse. Applicants reserve the option of prosecuting the restricted claims at another time or requesting rejoinder of the restricted claims once allowable claims are found. This election is in no way an admission against interest and Applicants do not agree with the Examiner's finding that unity of invention is lacking *a posteriori*. Applicants respectfully request rejoinder and examination of all of the pending claims.

The Office Action also identified three groups of species and required election of a single species within each group of species.

1. The Office Action identified Claims 41-51, 53-56, and 58-63 in Group I as generic. For these claims, the Office Action identified the following species: desferrioxamine (DFO), ethylene diamine tetracetic acid (EDTA), diethylene triamine pentacetic acid (DTPA),

elioquinol, colloidal bismuth subcitrate (CBS), bismuth subcitrate, bismuth citrate, bismuth salicylate, bismuth subsalicylate, bismuth subnitrate, bismuth subcarbonate, bismuth tartrate, bismuth subgallate, tripotassium dicitrato bismuthate, and bismuth aluminate.

2. The Office Action identified Claims 41-44 and 46-63 in Group I as generic. For these claims, the Office Action identified the following species: *H. pylori* infection, gastrin-producing tumours, colorectal carcinomas, gastrinomas, islet cell carcinomas, lung cancer, ovarian cancer, pituitary cancer, pancreatic cancer, atrophic gastritis, G cell hyperplasia, pernicious anaemia, renal failure, ulcerative colitis, gastrointestinal ulcers, gastro-oesophageal reflux, gastric carcinoid, and Zollinger-Ellison syndrome.

3. The Office Action identified Claims 64-68 and 72 in Group II as generic. For these claims, the Office Action identified the following species: SEQ ID NOs: 9, 7, 20, 3, 17, 18, 19, and 2.

Regarding these species elections, Applicants respectfully point out that as discussed in 37 C.F.R. § 1.141(a), an application may claim a reasonable number of species within a claimed genus as long as at least one genus claim encompassing all of the species is patentable. The appropriate application of the 37 C.F.R. § 1.141 is aimed at situations where there are unreasonable numbers of species claimed. The present situation is not a situation in which a genus of compounds, for example, a set of 1000 different nucleic acid molecules as well as each of the encompassed species are separately being claimed. This would be an appropriate circumstance for application of the election of species requirement. Rather, Applicants have claimed in each genus a small number of species possibilities. Applicants are not required in the present application to elect a species when Applicants have not claimed an unreasonable number of species. Thus, when a genus claim is found to be patentable, Applicants understand that the remaining members of the reasonable number of species must be examined.

However, as required by the Office Action, Applicants elect bismuth subcitrate (Claims 41-51, 53-56, and 58-63 in Group I), colorectal carcinomas (Claims 41-44 and 46-63 in Group I), and SEQ ID NO:20 (Claims 64-68 and 72 in Group II).

CONCLUSION

The foregoing is a complete response to the Restriction Requirement mailed June 17, 2010. Applicants respectfully submit that at least Claims 41-81 are patentable. Early and favorable consideration is solicited. Applicants file this Response solely to facilitate prosecution. Applicants reserve the option of prosecuting the restricted claims at another time or requesting rejoinder of the restricted claims once allowable claims are found.

If the Examiner believes there are other issues that can be resolved by a telephone interview, or that there are informalities that remain in the application that may be corrected by the Examiner's amendment, then a telephone call to the undersigned attorney at (678) 420-9428 is respectfully solicited.

Applicants enclose with this Response a Petition for a one-month Extension of Time and a credit card payment in the amount of $65 pursuant to 37 C.F.R. § 1.17(a)(1). Applicants believe that this is the correct amount due; however, Applicants authorize the Commissioner to charge to Deposit Account No. 14-0629 any additional fee that may be required.

Respectfully submitted,
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